

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. Claims 1-3, 7, and 9-14 have been amended to place them in better form for examination. Claim 15 has been added. Claims 1-15 are pending for further examination.

Claims 1, 2, 4, 5, 7, 11, and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Oakes et al. (U.S. App. Pub. 2003/0181241) in view of Suzuki et al. (U.S. Pat. 5,356,156).

The Office Action relies on Suzuki as allegedly teaching “evaluating value setting programmed logic circuitry for setting an evaluating value of each player according to a superiority or inferiority situation of a play content of each player” and “size changing programmed logic circuitry for changing a size of said divided areas allotted to each player based on said evaluating value” as claimed in, for example, claim 1 (independent claims 7, 11, and 12 contain similar recitations). Applicant notes that claim 1, as amended, now claims “evaluating value setting programmed logic circuitry for setting an evaluating value of each player based on how well each player is doing in the game relative to the other players.”

Applicant respectfully disagrees with this allegation. According to the Office Action, “Suzuki evaluates a player to determine if the player is in an offensive, i.e. superior situation or defensive, i.e. inferior, situation relative to the other player.” First,

Applicant notes that Suzuki never characterizes attacking as superior and defending as inferior, that characterization has been added by Examiner. What Suzuki does analyze is whether a player is attacking (col. 6, lines 45-56). Then, if a first player is attacking, Suzuki enlarges that portion of the screen. What is apparent, however, from the teachings of Suzuki, is that the screen size change is not dependent on a superiority/inferiority of players, but rather on where the action is occurring. The attacking player always has an enlarged screen. When the attack reaches a defending player, the defending player has an enlarged screen (col. 6, lines 57-64). As stated at col. 7, lines 17-23:

The background picture for the character in the offensive posture is enlarged.

When a flying object has reached the background for the attacked character, this background picture is enlarged.

Consequently, the match can be represented with greater reality, thus increasing the fun.

If the defending player were to attack back, it would become the attacking player and thus have an enlarged screen. It is incorrect to characterize an attacking player as doing better in the game than a defending player, as players who are worse off are still capable of attacking.

Suzuki is concerned with enlarging the portion of the screen on which the most game action is occurring, thus drawing focus to the action. No decision in Suzuki is based on how well one player is doing in the game relative to the other displayed players, and no such teaching or suggestion is present in Suzuki.

For at least this reason, claims 1, 7, 11, and 12 should be allowable over the prior art of record. Claims 2, 4, and 5 should be allowable based at least on their dependency from allowable claim 1.

Claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Oakes/Suzuki in further view of Kaneko et al. (U.S. Pat. 5,879,235). Kaneko does not cure the noted deficiencies of the Oakes/Suzuki combination, however, and claim 3 should be allowable based at least on its dependency from allowable claim 1.

Claims 6, 9, 10, 13, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Oakes/Suzuki in further view of Sciammarella et al. (U.S. Pat. 6,608,633).

Claim 6 should be allowable based at least on its dependency from allowable claim 1, as Sciammarella does not cure the noted deficiencies of Oakes/Suzuki with respect to claim 1.

Independent claims 9, 10, 13, and 14, as amended each recite “determining whether or not there is a player who ends the game out of the participating players” and

“re-partitioning said display area by the number of the remaining players when determined by said determining step that there is a player who ends the game, and allotting the re-partitioned areas to the remaining players in accordance with how the remaining players are performing in the game relative to one another,” or variations thereof.

The Office Action concedes that Oakes/Suzuki does not disclose determining whether or not there is a player who ends the game out of the participating players, wherein the screen is re-partitioned by the number of players, and the sizes of the new areas are determined based on relative evaluations of remaining players. The Office Action then introduces Sciammarella to make up for this deficiency with respect to the Oakes/Suzuki combination.

Sciammarella states “[t]he present invention is a method and structure for the display of categorical information on a display screen, utilizing scale and location to express the degree of importance of a particular category over other categories of categorical information with respect to a selected measurement value” (col. 3, line 65 to col. 4, line 3). Even though Sciammarella generally appears unrelated to the subject matter of the claims, Sciammarella does appear to teach dynamically updating the display based on changes as they occur. (Col. 4:57-64).

However, Sciammarella does not teach or suggest that any division is based on one section doing relatively better than another section. Whether or not one section of

Sciammarella is, in a loose sense, “superior” to another section, it is certainly not the case that one section of Sciammarella is not performing better or worse in a game than another section of Sciammarella. Specifically, and as previously noted, Sciammarella teaches “[t]he present invention is a method and structure for the display of categorical information on a display screen, utilizing scale and location to express the degree of importance of a particular category over other categories of categorical information with respect to a selected measurement value.” According to the Office Action, “This feature is analogous to display areas of differing sizes displaying game characters in accordance with some evaluated status of each character, as relative superiority or inferiority of a character’s situation may be equated with the relative ‘importance’ of each character.” Sciammarella, at best, teaches that one section is more “important” than another. This teaching is not, however, doing better or worse relative to another section, and there is no teaching or motivation, absent Applicant’s specification, to make such an analogy.

For at least these reasons, claims 9, 10, 13, and 14 should be allowable over the prior art of record.

Claim 15 should also be allowable over the prior art of record.

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.


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Should the Examiner have any questions, please do not hesitate to call the undersigned attorney at the phone number below.

Respectfully submitted,

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